EXHIBIT NO. 38

Page 1

```
 1              UNITED STATES DISTRICT COURT
 2              SOUTHERN DISTRICT OF OHIO
 3                   WESTERN DIVISION
 4    ---------------------------------------
                                          :
 5    VIVIAN BERT, et al.,                :
                                          :
 6            Plaintiffs,                 :
                                          :
 7       vs.                              :    CASE NO.
                                          :    C-1-02-467
 8    AK STEEL CORPORATION,               :
                                          :
 9            Defendant.                  :
                                          :
10    ---------------------------------------
11
12         Deposition of:   SUSAN R. LESTER
13         Taken:           By the Plaintiffs
                            Pursuant to Notice
14
           Date:            February 16, 2005
15
           Time:            Commencing at 8:02 a.m.
16
           Place:           Taft, Stettinius &
17                           Hollister, LLP
                            425 Walnut Street
18                          Suite 1800
                            Cincinnati, Ohio  45202
19
           Before:          Karen Volk, RPR
20                          Notary Public - State of Ohio
21
22
23
24                                    COPY
25
```

Page 10

1   maintenance.
2   Q. Any job that is not maintenance?
3   A. Yes, sir.
4   Q. All right. Do you keep records, Phyllis,
5   of hires into the Coke Plant and West Works?
6   MR. KAMMER: This one is Susan, not
7   Phyllis.
8   MR. CHILDS: Susan, excuse me.
9   Q. Do you keep records of hires into the Coke
10   Plant and the West Works?
11   **A. Yes, sir.**
12   Q. Okay. What kind of records do you
13   maintain of hires into these two facilities?
14   **A. Their employment application, once they're**
15   **hired, goes into a personnel file and then you have**
16   **the information in an applicant log.**
17   Q. Would you describe for me what the content
18   is of the applicant log, please, ma'am?
19   **A. This would have a person's name, race and**
20   **sex.**
21   Q. Anything else?
22   **A. The date of application.**
23   Q. Anything else?
24   **A. At times I'll have just notes for myself**
25   **on that but --**

Page 11

1   Q. Is that always complete with these notes?
2   **A. No.**
3   Q. On what occasions do you make notes as
4   compared to when you do not?
5   **A. Just more of a time thing. If I have the**
6   **time to put something in that database just as a**
7   **reminder for me, I'll do that. If I don't have the**
8   **time, then I don't. But I do always get their name**
9   **and race and sex and date in that -- in that**
10   **applicant flow.**
11   Q. Do you keep track in this applicant flow
12   data of each step of the hiring process and whether
13   the employee makes it through each step?
14   **A. No, sir.**
15   Q. There are no logs that you would have from
16   January of 2004 which would show, in complete form,
17   in which step potential applicants at Ashland were
18   eliminated from the hiring process, is that correct?
19   **A. That's correct.**
20   Q. All right. Do you know from this
21   applicant's -- I mean, is this chart that you're
22   talking about, is it entitled applicant flow chart or
23   applicant log? What do you call it?
24   **A. I'm not sure that I've always put a title**
25   **on it. It was an internal document that -- you know,**